

**CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, FEBRUARY 23, 2009**

PRESENT:	GEORGE FITZGERALD	CLERK
	WILLIAM SOWERBY	TREASURER
	ERNEST HORNUNG	TRUSTEE/ACTING CHAIR
	KEN PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE
ABSENT:	ROBERT J. CANNON	SUPERVISOR (EXCUSED)

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Jack Dolan, Township Attorney. The Pledge of Allegiance was recited.

Mr. Fitzgerald announced that Mr. Cannon is not able to attend tonight's meeting and has requested to be excused.

Motion by Mr. Sowerby, supported by Ms. West, to appoint Mr. Hornung as Acting Chairman for tonight's meeting. Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

APPROVAL OF AGENDA

Mr. Fitzgerald requested the following deletions and indicated these will both be placed on the next Township Board agenda:

- Item #2 – Presentation of Citizen Commendation Awards – Fire Department
- Item #18 – Resolution Regarding ITC Corporation

Mr. Fitzgerald requested the following additions:

- Public Service Announcements from Mr. Sowerby
- Addition to Item #25 – Discussion Regarding Written Opinion of Legal Counsel (Attorney/Client Privilege Letter)

Mr. Sowerby requested that Item #18 remain on the agenda tonight for discussion purposes only.

Motion by Ms. West, supported by Mr. Reynolds, to approve the agenda with the deletion of Item #2 and the two additions as requested. Roll Call: Ayes – West, Reynolds, Pearl, Hornung, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

Mr. Sowerby made two public service announcements, as follows:

- He reminded residents that property taxes are due on a different date this year, based upon a document signed by Governor Granholm. The taxes, generally due by the last day in February, are due on March 2nd this year because the last day in February falls on a weekend. He advised that these taxes can be paid at the Township Treasurer's office from 8:30 a.m. to 4:30 p.m. Monday through Friday, at any Comerica Bank in Macomb County or placed in the drop box at the Civic Center (although it must be placed in the box no later than 4:30 p.m. on Monday, March 2nd). He added that an "E-check" payment can also be made on line through the Township website ("Bill Pay" option) and is free of charge for those who want to make a payment this way; however, it does not take a debit card or credit card payment. Those who wish to pay using a credit card can pay through a third party, and the explanation of how to make this type of payment is on the back of the tax bill or on the website. There is a fee for using this payment method.
- The Township's 10th Annual Blood Drive will be held on March 3rd and March 4th at six different sites throughout the Township. He urged anyone who can give blood to call (586) 286-1768 to schedule an appointment.

1. PRESENTATION OF CERTIFICATE OF APPRECIATION: CLINTON RIVER WATERSHED COUNCIL

Mr. Shawn Keenan, President of the Clinton River Watershed Council, wanted to present a Certificate of Appreciation to Clinton Township for their participation in the Council. He reviewed the history and purpose of the Clinton River Watershed Council, stating it is to protect, enhance, and celebrate the Clinton River, its watershed, and Lake St. Clair. He explained that it covers approximately 760 square miles, with 75% of that being in Macomb County. Mr. Keenan recognized Ms. Mary Bednar, Township Engineer, as being First Vice-President, and thanked her for helping the Council in many ways. He complimented her for providing a lot of input and leadership to the organization.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the Certificate of Appreciation presented to the Township from the Clinton River Watershed Council. Roll Call: Ayes – West, Reynolds, Pearl, Hornung, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

2. PRESENTATION OF CITIZEN COMMENDATION AWARDS – FIRE DEPARTMENT

This item was deleted from tonight's agenda.

3. REQUEST FOR OUTDOOR CORRAL FOR SEASONAL ITEMS: K-MART – 41601 GARFIELD

Mr. Gene Bomber, Store Manager for K-Mart at 41601 Garfield, explained that they would like to fence in a 48-foot by 58-foot corral in the parking lot for their seasonal merchandise. They would also like to install a cardboard bailer inside their receiving area and are seeking permission to store up to 10 bails of cardboard behind their building. He added these bails would be double-stacked so there would actually be only five stacks against the back of their building. He explained that this will help to control landfill waste.

Mr. Fitzgerald inquired as to when these bails would be picked up.

Mr. Bomber replied that the company would pick up the bails twice a month.

Mr. John Codron, Building Superintendent, replied to inquiry that the area in which they propose to store the bails is a fire lane and should be kept clear. He indicated he would like to look at what they are proposing before the Board takes action on this.

Mr. George Westerman, Superintendent of the Department of Public Works, could understand the desire to recycle but he was concerned with the length of time that these cardboard bails would be sitting outside, exposed to the elements of the weather.

Mr. Bomber stated that they would have no more than ten bails and he has been assured that there will be a pickup once they reach ten bails, even if it is more often than twice a month.

Mr. Sowerby inquired as to whether it would be possible to have a weekly pick-up.

Mr. Bomber replied that he would have to investigate that possibility.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter received on February 12, 2009 from the Store Manager at the K-Mart at 41601 Garfield, and to approve the request to erect a fenced-in corral in the parking lot for their seasonal outdoor merchandise, as outlined in the correspondence; further, that the request to store bails of cardboard be brought back to the Board at a later date in order to further look at the request. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

4. REQUEST FOR OUTSIDE CORRAL FOR SEASONAL ITEMS: K-MART – 34800 GROESBECK

The Human Resources Director for K-Mart at 34800 Groesbeck, Clinton Township, Michigan 48035, replied to inquiry that they are proposing an area measuring 60 feet by 72 feet to display their outdoor garden shop material. It will have a border of block and timber. She replied to inquiry that it is exactly the same as last year.

Mr. Codron replied to inquiry that, while he has not yet seen this year's request, he is familiar with last year's plan and had no problems with it.

Mr. Sowerby confirmed that there are no outdoor sales allowed, either at this K-Mart location or the K-Mart on Garfield, and that is specified in the ordinance.

Ms. Bednar noted that there are storm sewers at both of these locations, so she requested that sediment control devices be used in the catch basins to avoid any possibility of dirt and other material entering the storm sewers.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated February 4, 2009 from the Store Manager of the K-Mart at 34800 Groesbeck, and approve the request to display outdoor garden shop material in a 60-foot by 72-foot contained area in the parking lot until Labor Day, as outlined in the correspondence. Roll Call: Ayes – Pearl, Reynolds, Hornung, West, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

5. REQUEST TO CONDUCT WINDSHIELD REPAIR BUSINESS IN MEIJER PARKING LOT: FIX-N-CHIPS

Mr. Jeff Schmitz, 1805 Brockton, Royal Oak, Michigan, explained that they have a unique business in that they make windshield repair very convenient for those who need it. They are proposing to locate in the Meijer parking lot, and they can perform the service in ten minutes. The customer can either wait in the car while it is being done, or they can go into the store and do their shopping. Mr. Schmitz stressed that it is much better to repair the chipped windshield before it becomes a crack, and they have been able to work with insurance companies on this.

Mr. Fitzgerald pointed out that the Township has an ordinance that prohibits outdoor sales, so he inquired as to where this transaction would take place.

Mr. Schmitz replied that the tools for this repair fit into a box the size of a brief case, and while they are doing the repair, they contact the customer's insurance company and obtain the information they need to complete the transaction. He admitted that some of their customers choose to pay without involving the insurance company, but he estimated that is only a small percentage of their customers. Mr. Schmitz replied that they generally set up a "portable kiosk", which is actually a trailer with skirting. He indicated that the majority of the places where they operate do not want anything permanent attached to their parking lot, so this trailer takes approximately 15 to 20 minutes to set up in the morning, they operate from 10 a.m. to 7 p.m. and then take the trailer down and leave that evening. He added that they leave the area very clean, including picking up any store fliers or debris in the area. He also mentioned that they use cloth towels rather than paper towels so they do not have too much trash at the end of the day.

Mr. Pearl appreciated the service the petitioner offers, but he has a problem with the principle. He is aware of businesses in Clinton Township that perform this same service, and they have to pay taxes and overhead for their building. He was concerned that if the Board allows this concept, then Meijers could bring in other companies offering services, such as photographers, who could start operating out of their parking lot. He reiterated that it is a nice service, but he could not vote in favor of the way it is being done.

Mr. Schmitz clarified that his company rents the property from Meijers so they are paying to locate there. He compared it to other vendors who rent space inside the building, such as various banks, fast-food restaurants that operate counters, etc.

Mr. Reynolds agreed with Mr. Pearl. He felt that any outside sales would be in violation of the ordinance.

Mr. Codron replied to inquiry that his department is constantly addressing similar issues with outdoor flower sales, firework sales, etc, and although it is not uncommon for businesses to lease a small part of their property for this type of use, it is against the ordinance and their department does everything they can to keep it from occurring.

Ms. Sue Westlake, 37314 Charter Oaks Boulevard, Clinton Township, Michigan 48036, stated that, in today's economy, she felt this Board should do everything they can do to facilitate its citizens to maintain their automobiles in the simplest manner possible. She felt that denying this request would be doing a disservice to the residents.

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive and file the letter dated February 12, 2009 from Mr. Jeff Schmitz, President of Fix-N-Chips, and deny the request to operate their windshield repair business in the parking lot of the Meijer's store on Groesbeck, as requested, based on the fact that there are no outdoor sales permitted in the Township. Roll Call: Ayes – Reynolds, Pearl, Hornung, West, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

**6. REQUEST FOR OUTDOOR TENT PERMIT – CHELI'S CHILI BAR:
41240 HAYES**

Mr. Gerry Vento replied to inquiry that the proposed tent would be located in front of the building.

Ms. West inquired as to whether they are proposing to have outdoor sales of alcohol and food in this tent.

Mr. Vento replied that the alcohol and food would be carried out by the waitresses and given to the customers in the tent. He estimated that they would have a seating capacity of approximately 100 in this outdoor area. Mr. Vento noted that when the hockey playoffs are televised, they fill their restaurant to capacity, regardless of the night of the week. He explained that, in consideration of the bad economy, they are trying to come

up with a new gimmick for their customers who want to come in and enjoy the game and the atmosphere with friends.

Mr. Fitzgerald inquired as to the proximity of the tent to Hayes.

Discussion took place as to the exact location of the proposed tent in the parking lot.

Mr. Pearl clarified that there is another row of parking that would still be available west of the tent.

Mr. Vento replied that anyone wishing to drop off a handicapped individual at the door will still be able to drop them off at the end of the sidewalk, where they have handicapped ramps available. He replied that there will be sides on the tent, and there may be heating inside, although he added that they would need approval from the Fire Department.

Mr. Reynolds inquired as to whether Mr. Codron or Fire Chief Shea have talked with the owner or reviewed the proposal.

Mr. Codron replied that the Fire Department handles the tent applications. He added that he becomes involved if they need an electrical permit for any lighting or electrical service.

Chief Shea replied to inquiry that he has not looked at the plan.

Mr. Reynolds suggested a two-week postponement on this matter so the petitioner can meet with the Fire Chief and the Building Superintendent.

Mr. Vento assured he will be glad to meet with them, and he added that he would have done that already if he had known. He replied to inquiry that they would like to put 40-inch televisions on stands in each corner of the tent for the patrons to watch the games. He explained that they are not proposing any additional sound equipment or music. Mr. Vento further explained the method of transacting sales for items served in the tent. The patrons would go inside, order, and the waitresses would bring the food and/or drinks outside. He noted that there would be a separate wait station for those tables.

Mr. Sowerby inquired as to how he would order a beverage if he already had one without carrying his current beverage back into the building. He also inquired as to how close the tent would be to the sidewalk.

Mr. Vento replied that a patron can take his drink with him back inside, but that the food and drinks would not be self-serve; they would have to be served by a waitress. He replied to Mr. Sowerby's second question that he estimated the tent would be approximately 10 feet from the sidewalk. He assured people will not be able to wander in and out of the tents because there will be guards.

Mr. Sowerby was concerned that some very serious problems could arise from this type of setup for an extended period of time. He has always heard from the Chief of Police that patrons being able to take alcoholic beverages from one area to another outside are not good. He noted that, even without a sound system, the televisions would have to be fairly loud to accommodate the crowds. He pointed out that there is a residential community across Hayes, as well as behind the facility. Mr. Sowerby explained that there is a proper venue for an outdoor setting with alcohol, but music or other forms of entertainment are generally not permitted outdoors. He complimented the owners on providing a fun place to go to watch hockey games and have some good food, but he did not feel the tent is a good idea. He advised there is a way they may be able to have some type of outdoor seating, but it is only through submitting a site plan for a permanent patio area, and that would then become the decision of the Township Board. He added that he is not in favor of this request tonight for the tent.

Mr. Pearl complimented the owner on having a successful restaurant at a location that has struggled in the past.

Mr. Vento stated they have been trying and feel Cheli's has to make it. He felt that when a building is vacant, everyone suffers, and he added the increased business during a rough economic time is one of the reasons they are making this request.

Mr. Pearl cited other restaurants in the area, such as Ernie's at 19 Mile and Garfield, or Boston's on Hall Road and Hayes, that have outdoor seating areas but they are controlled and have taken safety precautions. He expressed concern that a stray car could drive into this temporary tent, whereas the permanent locations have provided the proper means for stopping vehicles.

Mr. Vento complained that there is a lot of financial backing necessary to develop a permanent outdoor seating area, and this tent would have afforded them an opportunity to generate money, possibly for a more permanent solution. He did not feel the tent they are proposing would interfere with the residents in the area because the majority of hockey games are over by 10 p.m.

Ms. West inquired as to whether Mr. Vento has talked with the neighbors to the east. She recalled talking to those neighbors when this was the location of the former Post Bar, and they were extremely opposed to the idea of an outdoor patio at that time.

Mr. Vento stated he has talked with the neighbors and has their support because they operate more of a family-oriented restaurant. He stressed they are "not the Post Bar" and they have held fund-raisers in the past for the community, kept the parking lot clean, and have "kept the riff-raff out". He replied to inquiry that he does not have the neighbors' support in writing but suggested the Township could call them if they have any questions.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated February 11, 2009 from Mr. Gerry Vento, Cheli's Chili Bar, located at 41240 Hayes Road, and deny the request for an outdoor tent permit from April 1st, 2009 through June 21st, 2009. Discussion ensued.

Mr. Reynolds inquired as to whether Fire Chief Shea or Mr. Codron have any suggestions that would make this tent safer.

Mr. Shea replied that he cannot comment on traffic patterns, but there are fire codes that would be enforced as far as occupancy loads.

Mr. Codron stated he always has concerns with tents, with the ropes and stakes in the ground, and the ability to keep people in the tent. Safety issues are critical and the Building Department attempts to deal with these.

Roll Call: Ayes – Sowerby, Pearl, Reynolds, Hornung. Nays – West, Fitzgerald. Absent – Cannon. Motion carried.

**7. REQUEST VARIANCE TO SITE PLAN FENCE REQUIREMENT –
FINISH LINE GAS STATION: 34420 HARPER**

Mr. Reynolds inquired as to when this was developed as a gas station.

Mr. Santia replied that the Township Board granted Special Land Use Approval for the gas station on August 11, 1995 and one of the conditions placed on that special approval was closing off the driveway on Manila.

Mr. Sowerby recalled that when this came to the Board many years ago, there were a number of residents from Manila Street who attended and sent letters, urging the Board to require the closure of that driveway. It was determined that access would be for easier access for gas trucks only, and that the driveway was to remain closed off. Since that time, the gate has fallen into serious disrepair. Numerous citations have been issued but it has not been repaired. Mr. Sowerby felt that, since it was a condition of the Special Land Use Approval, it should remain closed.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated February 13, 2009 from Mr. Abraham Yafai, of Finish Line Gas Station, located at 34420 Harper, that request to permanently open the access from the subject site to Manila be denied; further, to require the Building Department to enforce the repair/replacement of the gate and to assure it is kept in good condition and remain locked, and if it is not maintained according to the condition of the Special Land Use Approval, to authorize the Building Department to proceed with the violation process, and on to court, if necessary. Discussion ensued.

Mr. Reynolds noted that the gate is not there at all, and he felt it needs to be put up.

Mr. Codron replied to inquiry that he can require them to put up a temporary fence. He mentioned that they may have taken it down to have it repaired, but he assured action can be taken right away to make sure something is put up immediately.

Mr. Dolan replied to inquiry that the closure of this gate was required as part of the Special Land Use Approval; therefore, it would be considered a nuisance by state law if it is not in place. He advised that the owner can be taken to Circuit Court in an attempt to get him to comply, or he can be issued an ordinance violation, and this would be enforced by District Court. He replied to inquiry that the less drastic measure would be to go through District Court.

Mr. Codron replied to inquiry that they are in violation stage for repair of the gate.

Mr. Sowerby amended the motion on the floor to include directive to the Building Department to issue a violation for the gate, and Mr. Reynolds agreed to amend his support to include this directive.

Roll Call (on amended motion): Ayes – Sowerby, Reynolds, Pearl, Hornung, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

8. REQUEST TRANSFER RIGHTS TO RENEWAL OF 2008 CLASS C LICENSED BUSINESS (TO REMAIN IN ESCROW) WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT CRYSTAL COMMONS PLAZA, 40813 GARFIELD, UNIT 20, FROM CUSIMANO ENTERPRISES LTD. TO MAXXIMUM-GROUP INC. (STEP 1)

Mr. Phil Ruggeri, Attorney, explained that the previous owner of the 18th Street Rib House went out of business. He retrieved his license back and wants to have it transferred to Dawn and Aldo Bartolomeo. It would then transfer to the new operation. He indicated this is a two-step process, and this is the first step.

Mr. Sowerby mentioned that when this license was given to Mr. Cusimano, the Township Board placed a covenant on it at that time, and it became part of the license. He inquired as to whether that should be addressed under this item or the next item on the agenda.

Mr. Dolan replied that the covenant will remain in place and be part of the transfer in both stages. He advised the Board can state that the covenant, as made part of the license and its approval, will continue under the same terms.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated February 2, 2009 from the Administrative Captain of the Police Department and grant transfer rights to renewal on 2008 Class C licensed business (to remain in escrow) with Dance-Entertainment Permit from Cusimano Enterprises Ltd. to Maxximum Group, Inc. for business located at 40813 Garfield, Unit 20, Clinton Township, Michigan 48038, with

approval including the Covenant with restrictions as approved by the Township Board in conjunction with the Special Land Use Approval granted on March 5, 2007 and all of the wording is to remain part of the condition of this license. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

9. REQUEST TO TRANSFER OWNERSHIP OF 2008 CLASS C LICENSED BUSINESS (IN ESCROW) WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT CRYSTAL COMMONS PLAZA, 40813 GARFIELD, UNIT 20, FROM MAXXIMUM-GROUP, INC. TO MPG HOLDINGS, LLC (STEP 2)

Mr. Sowerby noted that taxes are current on the property and the personal taxes were paid. The real taxes owed by the landlord of Crystal Commons are current, and the Winter taxes are not due until March 2nd, so they are current.

Mr. Marc Beginin, Attorney, explained that his client will take the transfer of ownership with the restrictions as noted by Mr. Sowerby; however, he questioned why recorded music, with volume that can be controlled with a dial, would be considered not acceptable, while live music, with volume that cannot be controlled as easily, would be allowed. Mr. Beginin could understand a restriction that would allow music to be played at a certain volume or level but he could not understand the concept of allowing live music but banning recordings. He stressed he does not want to put down the former business, but he did not feel there is a lot of room inside for ballroom dancing and that the facility is designed more for nice dinners with background music playing.

Mr. Sowerby clarified that when the original establishment went in, there were a number of residents behind the building that were concerned with the restaurant, more specifically the entertainment permit, and what noise could be generated as a result. When the shopping center was constructed, the developer was given a setback variance to allow the building line to be closer to the residential property than what is allowed by ordinance. That approval was not popular with the residents, and is why the covenant was made part of the approval. Mr. Sowerby explained that when he talked to the prospective owner last year, he explained this situation to him and this is the first time he is hearing that there are any concerns. He would still strongly recommend that this covenant be made part of the license.

Ms. West noticed that on the actual liquor license operation, it states that “soft jazz background music from a DJ”. She inquired as to whether the DJ is recorded.

Mr. Beginin assured that his client has no interest, nor does he intend, to have a live rock band. He felt the covenant placing this restriction is counter-intuitive to other covenants in its intent to not bother neighbors. He cannot imagine what restaurant would not be allowed to play any type of recorded music. He could understand a covenant restricting the volume of the music played, but could not understand the logic of prohibiting recorded music.

Mr. Valentine felt that a lot of people look for a restaurant where they can sit, have a drink and some good food, and enjoy a nice quite atmosphere to visit with friends. This type of restaurant generally plays very soft atmosphere music in the background. He explained that they want a warm, sedate, calm environment that will be a pleasant experience for the senses, including scented oils in the air, wonderful food prepared by an award-winning chef from the Travis Pointe Country Club in Ann Arbor, and soft music that helps to complete the experience. He assured they have no desire to have a loud D.J. or a live band.

Mr. Beginin explained that he would like his client to be in compliance and cannot understand why any restaurant would be denied the ability to play background music. He offered to pass on this at this time and assured his client is willing to accept the transfer with the covenant if that is the wishes of the Board.

Mr. Sowerby stated they can approve this tonight with the covenant or they can postpone action, notify the abutting residents and seek their input.

Mr. Pearl felt they should proceed with the transfer tonight if that is what the petitioner wants to do; however, he admitted that he would not have a problem reopening the discussion at a later date regarding the covenant. He felt a lot of restaurants have background music that cannot even be heard outside the door.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated February 2, 2009 from the Administrative Captain of the Police Department, and approve the Transfer of Ownership on 2008 Class C Licensed Business (in escrow) with Dance-Entertainment Permit, located at Crystal Commons Plaza, 40813 Garfield, Unit 20, Clinton Township, Michigan 48038, from Maxximum Group, Inc. to MPG Holdings LLC, contingent upon the conditions of the Covenant, as entered on March 5, 2007 as part of the Special Land Use Approval, remaining part of this establishment and adhered to strictly. Roll Call: Ayes – Sowerby, West, Reynolds, Pearl, Hornung, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

**10. REQUEST FOR LIQUOR LICENSED BUSINESS OUTDOOR ACTIVITY
AREA: THE DETROIT PUB – 33401 HARPER**

Mr. Paul Mauk, 33401 Harper, Clinton Township, Michigan 48035, explained that they would like approval for their patio. He reviewed where the outdoor patio area will be located.

Mr. Pearl inquired as to why this did not go through the Planning Department.

Mr. Santia replied that the Township Board, as indicated in the ordinance, regulates outdoor patios. The request is submitted by an application that goes through the Police Department. The request is forwarded to various departments in the Township for their

comments on various aspects. He replied to further inquiry that the original site plan for this building came through the Planning Department.

Mr. Mauk replied to inquiry that the intention is for this to be a permanent patio. They can design the columns to be crash resistant up to 25-35 miles per hour, and he felt it will make the area look richer. It will be 42-inches off of the ground, and they can place decorative columns no further than six feet apart to create a little more protection. He replied to inquiry that it will not have a cover over it, and that at this time, they are only proposing it for spring, summer and fall use, weather permitting. He added that they would also like to be able to use it for St. Patrick's Day, although they may be interested in checking into having a custom tent for that occasion. He reviewed the plans with the Board, and noted that there is a 10-foot by 10-foot roll-up door proposed that would separate the patio from the building, and this could be open when they are seating on the patio. He assured there will be no access directly from the patio to the parking lot so they can prevent alcohol from leaving the establishment or from patrons sneaking through. He noted that they have security but want to make sure all precautions are taken. Mr. Mauk clarified there are actually two requests tonight: one for the permanent outdoor patio, and the other for the temporary tent for this St. Patrick's Day. He assured there will be wood barricades that will protect the area from cars, and he offered to install some type of parking block or 4-foot high crash barrier. He also mentioned he has a 30-foot van that he would be glad to position in such a way as to protect the tented area from any stray vehicles.

Mr. Reynolds inquired as to whether Mr. Codron reviewed what is being proposed.

Mr. Codron replied that he has met with the Fire Marshall, and indicated that neither of them have any objections to the tent and its proposed location on a temporary basis. He added that it is in a fire lane but they still have an access road and front access from Harper, so they are confident they can make this work short-term.

Mr. Mauk explained that they would like to put an emergency exit in the rear. He felt they need two exits. He explained that tickets for food and alcohol will be purchased inside, and those of age to drink would be issued wristbands at that time. They would be required to show their wristbands when they use their tickets for the purchase of alcohol. Mr. Mauk felt this resolves the issue of no outdoor sales allowed.

Ms. West inquired as to when the patio will be constructed.

Mr. Mauk replied that if they receive approval tonight, they will begin construction as soon as the weather breaks.

Mr. Sowerby inquired as to whether the petitioner intends to have any type of music or speakers on the patio.

Mr. Mauk replied that they have talked with the residents in the area to ask them if they would have any objection to the patio. They indicated they did not have any objection as long as Township ordinances are followed. He indicated that they do not intend to have any music or speakers outdoors, but since they are a “sports bar”, they would like to have a couple of television sets. He added that they would be “Closed Captioned” only and would not have the volume turned up.

Mr. Sowerby inquired as to the distance between this patio and the abutting residential homes.

Mr. Santia stated that the closest residential area is across Harper on the east side, and he estimated the distance to be approximately 175 feet.

Mr. Sowerby stressed that he is always leery of patios being close to residential areas.

Mr. Mauk observed that there are other patios in the area, and with the close proximity to 14 Mile Road, Harper and the I-94 freeway, he did not feel there will be a lot of noise emanating from their patio that would exceed the noise already in the area from the traffic. He offered to close it at whatever time the Board would feel is a suitable time, but he stressed it is important to their business to be able to offer this outdoor seating area.

Mr. Sowerby also expressed concern about the “roll-up” doors and felt that music from inside can filter outside very easily through such a door.

Mr. Mauk stated that he would like to close the patio at 11:00 p.m. so that it will not be a problem for the residents. He added that if they ever want to hold a special event, such as a St. Patrick’s Day celebration, they may request permission to keep it open later for that particular day. Mr. Mauk stressed that they are very active in Clinton Township, and also own China Moon and Detroit’s Kid’s Club, which will be coming to the area soon.

Mr. Sowerby requested that if the patio is approved, he would like the doors to remain closed to the outside so that there is no music or noise drifting into the neighborhood from the inside of the building. He also felt it should be shut down to patrons at 11:00 p.m.

Mr. Pearl agreed and he recalled during the site plan phase that there was concern regarding the speakers from the drive-thru facility at the other end of the plaza. He had no objection to the patio if the proper barriers are installed and measures are taken to make sure noise is not a problem for the residents in the area.

Mr. Sowerby was adamant that there should be no outdoor music, speakers or televisions outdoors.

Mr. Mauk pointed out that closed caption televisions would not emit noise.

Mr. Sowerby maintained that there should be no entertainment at all on the patio.

Motion by Mr. Pearl, supported by Mr. Sowerby, to receive and file the correspondence and application for a Liquor Licensed Business Outdoor Activity Area for The Detroit Pub, located at 33401 Harper, and approve the application for the patio as outlined in the correspondence; further, this approval is based on the following conditions: 1) The patio will be closed to all patrons at 11:00 p.m.; 2) There will be no music or televisions outside; and 3) The door leading to the patio must have a closer on it and must remain closed when patrons are not entering or exiting through it. Roll Call: Ayes – Pearl, Sowerby, Reynolds, Hornung, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

Mr. Sowerby was concerned with the idea of a tent and whether it could be made safe enough. He understood the precautions that Mr. Mauk is offering to take, but he felt that “one person having one too many drinks on St. Patrick’s Day” could cause a disaster. He was also concerned with the fact that Mr. Codron and Chief Shea have indicated that they would have to go around the plaza to gain emergency access because the tent would partially block the fire lane.

Mr. Mauk pointed out that they take up four units of the complex so a large portion of the temporary emergency access would be behind their own development. He asked the Board if there is any other location they feel would be more suitable, and he stated he would be happy to oblige with their recommendations. He again offered the use of his truck to act as a barricade or buffer.

Mr. Pearl complimented Mr. Mauk on his business and wished him well. He also felt the patio is the right way to go, but he could not see the reason for the tent when it is just for a couple of days.

Mr. Reynolds inquired as to whether the tent would be used only on St. Patrick’s Day.

Mr. Mauk replied that his original intent was strictly for one-day use; however, he felt since they are going to all of the expense to put it up, he would be open to the possibility of using it for a benefit. He explained that, if it is easier, he will put it up for the one day only.

Mr. Reynolds inquired as to whether Mr. Codron and Chief Shea felt the tent is safe.

Mr. Codron replied that they have discussed the emergency access and feel it is sufficient for the short term. He added that any additional items being proposed to ensure safety of the patrons is good, and he noted that tents are difficult.

Mr. Reynolds indicated that he would be willing to support this request, and with the support of the Building Department Superintendent and the Fire Chief, he felt it is different than the request from Cheli’s Chili Bar, where that plan had not been reviewed.

More discussion took place regarding Mr. Mauk's offer to have the tent up an additional day for a benefit, if the Township was aware of anyone, such as an injured or ill police officer or firefighter, who would be in need of a benefit event.

Ms. West inquired as to whether Mr. Mauk would be willing to move the tent closer to the building and position it where the proposed patio will be located.

Mr. Mauk replied that he felt it would be more contained at the south end compared to the parking lot, where motorists would have to turn around.

Ms. West noted that for the short time the tent is up, possibly the traffic could be redirected.

Mr. Mauk offered to do whatever the Board wants, although he agreed that safety is first. He felt if they could utilize the front door and have the entrance in the front, it might work at that location.

Mr. Hornung did not know if it is a good idea to have a tent on St. Patrick's Day. He was concerned about ensuring the safety, and felt St. Patrick's Day is not a good day for this type of activity.

Motion by Ms. West, supported by Mr. Reynolds, with reference to the request for an outdoor tent for St. Patrick's Day weekend at The Detroit Pub, 33401 Harper, that the applicants be directed to meet with the Fire Chief Shea and Building Department Superintendent John Codron to discuss where the safest location for this tent would be, and to come back to the Board in two (2) weeks. Discussion ensued.

Mr. Mauk was under the impression that if the tent was to be erected for only one day, they did not need the approval of the Board but only of the Building Department, and the only reason they were seeking approval from the Board was to allow them one day before to put it up and the day after to take it down. He also mentioned again that it would be a perfect opportunity to hold a benefit, and he would be willing to look into it.

Mr. Codron clarified that requests for tents must come before the Township Board, even if the tent will only be in place for one day.

Mr. Sowerby did not feel tents are a good setting and indicated he will be voting no on this motion.

Roll Call: Ayes – West, Reynolds, Fitzgerald. Nays – Pearl, Hornung, Sowerby. Absent – Cannon. Motion failed for lack of votes.

Motion by Mr. Hornung, supported by Mr. Sowerby, to deny the request for the outdoor tent for St. Patrick's Day weekend at The Detroit Pub, 33401 Harper. Roll Call: Ayes –

Hornung, Sowerby, Pearl, Fitzgerald. Nays – Reynolds. West. Absent – Cannon.
Motion carried.

Mr. Santia replied that if the applicants want to eventually cover the patio, that request would be made to the Building Department and it would not come back to the Board.

11. UPDATE ON SKATEBOARD PARK

Mr. Reynolds commented that they met but because of the snow, they felt it would be better to revisit in the Spring. They will come back to the Board at that time.

Motion by Ms. West, supported by Mr. Hornung, to receive and file the letter dated February 17, 2009 from the Chairman of the Parks & Recreation Chairman with regard to the update on the possibility of building a skateboard park at the Civic Center grounds. Roll Call: Ayes – West, Hornung, Reynolds, Pearl, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

12. RECOMMENDATION ON COMMITTEE APPOINTMENT

Motion by Ms. West, supported by Mr. Fitzgerald, to receive, file and concur with the letter dated February 17, 2009 from the Chairman of the Parks & Recreation Committee and appoint Ms. Kari Drogosh, Athletic Director for Chippewa Valley Schools, to fill the vacated term of Mr. Ken Pearl on the Parks & Recreation Committee, with term to expire on November 30, 2009. Roll Call: Ayes – West, Fitzgerald, Reynolds, Pearl, Hornung, Sowerby. Nays – None. Absent – Cannon. Motion carried.

13. RECOMMENDATION ON CHANGE TO COMMITTEE BY-LAWS

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated February 17, 2009 from the Chairman of the Parks & Recreation Committee and approve the revision to the Parks & Recreation Committee Bylaws as follows: Under Article II, Section I – Membership, add “One alternate member from the Board of Trustees”. Roll Call: Ayes – West, Reynolds, Pearl, Hornung, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

14. RECOMMENDATION ON POSTING OF TOWNSHIP BILLS ON WEBSITE

Mr. Fitzgerald stated he serves on the IT/Communications Committee and feels this is an excellent idea, but there is certain criteria that must be met with Health Insurance Portability and Accountability Act (HIPAA). He added the need to be cautious with any court orders.

Mr. Pearl felt it would be helpful for residents to be able to view the schedule of bills but only after they have been approved, and not prior to approval.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated February 17, 2009 from the Chairperson of the IT/Communications Committee and approve the posting of the Township bills on the website once approved by the Board, list the amount and department only. Discussion ensued.

Police Chief Posavetz respectfully requested that some sensitive items, such as the purchase of some of their equipment and types of ammunition, be eliminated from the list so that safety issues for their staff are not compromised.

Mr. Sowerby added that any items purchased out of SID funds should also not be included on the list.

Mr. Pearl agreed to amend his motion to include the stipulation that items of a sensitive nature and those, which would violate HIPAA, are not to be included on the posting of the bills.

Mr. Reynolds agreed to support the amendment to the motion.

Roll Call (on amended motion): Ayes – Pearl, Reynolds, Hornung, West, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

15. AVAILABILITY OF REMOTE ACCESS OF TOWNSHIP COMPUTERS

Mr. Fitzgerald noted that the possibility of remote access of Township computers was raised when he attended training with the Emergency Management Coordinator, and the importance of conducting work off-site in the event of a crisis was discussed. The ability of workers to gain internal access in the event of a pandemic, or the ability of Board members to access data that they may need or have to work with is a benefit to the Township.

Mr. Pearl supported this ability. He felt it will be beneficial for department heads to be able to access their e-mail off-site, and he noted there will be no additional cost so it can be implemented this budget year. It will just take IT some time to make the changes.

Motion by Mr. Pearl, supported by Mr. Fitzgerald, to receive, file and concur with the letter dated February 17, 2009 from the Chairperson of the IT/Communications Committee and approve the request for availability of remote access of Township computers, as outlined in the correspondence. Roll Call: Ayes – Pearl, Fitzgerald, Reynolds, Hornung, West, Sowerby. Nays – None. Absent – Cannon. Motion carried.

16. RECOMMENDATION ON SOCCER FIELD AGREEMENT AND PERMIT

Motion by Ms. West, supported by Mr. Reynolds, to receive, file and concur with the letter dated February 17, 2009 from the Chairperson of the Budget/Ways & Means Committee and approve the in-house soccer field scheduling by the Parks & Recreation Department and the Agreement Between AYSO Region 125 and Charter Township of Clinton Parks & Recreation Regarding the Usage of Soccer Fields at Budd Park and Civic Center Park for the Calendar Year 2009, as submitted. Roll Call: Ayes – West, Reynolds, Pearl, Hornung, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

Mr. Sowerby acknowledged Ms. Walter's stellar efforts on this, and added that Mr. Westerman's assistance was also much appreciated.

Ms. Walter announced that the applications will be ready in their office tomorrow morning.

17. ADOPTION OF ORDINANCE NO. 384 AMENDING CHAPTER 850: MESSAGE THERAPISTS LICENSING

Mr. Dolan explained that this was previously introduced and published, and the next step would be to adopt and publish it. He explained that this is a result of changes in state law regarding state licensing for massage therapists. If someone practicing massage therapy decides not to get a license from the State, they would remain subject to getting one from the Township; however, if they receive state licensing, they are exempt from Township licensing.

Motion by Mr. Reynolds, supported by Ms. West, to adopt and publish Ordinance No. 384 Amending Chapter 850: Massage Therapists Licensing, as was previously introduced and published, and to be effective immediately upon publication. Roll Call: Ayes – Reynolds, West, Pearl, Hornung, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

18. RESOLUTION REGARDING ITC CORPORATION

Mr. Denny Dobbelaer, 17145 Knollwood Court, Clinton Township, Michigan 48038, complained that he has one full size Maple tree and ten large Pine trees that are tagged to be removed. He called the telephone number on the door tag and was referred to the legal department. He did not receive a return phone call for two weeks, despite his constant efforts to get in touch with them. He claimed they mailed a copy of their easement rights, but as far as he could determine, it does not give them "full rights" as they have previously claimed but allows them to "trim or cut" trees that interfere with the lines. The pine trees are approximately 20 feet in height and have been topped. He checked with representatives from MSU Extension and they have confirmed that pine trees that have been topped will not grow any further in height. Mr. Dobbelaer also noted that he talked with representatives from the Federal Energy Reliability Commission (FERC), who stated the only clearance they require is a 5-foot clearance between the

trees and the power lines. Mr. Dobbelaer suspected the proposed “clear-cutting” by ITC is strictly ITC’s decision, and he requested the assistance from the Township Board to keep his trees from being cut down. He was confident that the removal of all of these trees from his rear yard will drastically lower the value of his home. He would like ITC to preserve these slow-growing evergreen trees that he has been assured will never grow into the way of the power lines.

Mr. Fitzgerald read the letter from Mr. Kirsh dated February 23rd.

Mr. Gary Kirsh, ITC Corporation, requested a postponement on this tonight. He is trying to set up a meeting with the people at ITC who make the decisions, and he assured he will get answers to this Board prior to their next meeting.

Mr. Sowerby inquired as to whether Mr. Kirsh felt that, through his internal discussions at ITC, there may be some further discussion between the Township and “the ITC decision-makers” with regard to the proposed Resolution.

Mr. Kirsh responded that he needs to talk with those who have the decision-making capabilities at ITC and what they feel they can do as a company. He assured he will present all of the concerns that have been raised by this Board and the residents to those individuals in the form of a report.

Mr. Sowerby explained that Mr. Dobbelaer contacted him when he received the door tag and got no response, and he added that Mr. Dobbelaer has a beautiful backyard and the loss of that vegetation would be tragic. Mr. Sowerby pointed out that this is just one of many residents in the Township who would be affected by ITC’s vegetation management plan. He felt it is imperative that they need dialog and agreement with respect to this vegetation management, and he would be glad to postpone this, but he stressed it is important that the Board members have any responses from ITC well in advance of the next Township Board meeting. He advised Mr. Kirsh that information can be conveyed in writing through the Clerk’s office.

Mr. Kirsh replied that he will be glad to respond as soon as he discusses these issues with his superiors at ITC.

Motion by Mr. Sowerby, supported by Ms. West, that further consideration of Resolution regarding ITC Corporation be postponed to the next Township Board Meeting, with the verbal agreement from Mr. Kirsh that he will meet with those individuals from ITC Corporation who make the decisions, and any decisions ITC makes with regard to the Resolution will be reported back to this Board by Mr. Kirsh well in advance of the meeting. Roll Call: Ayes – Sowerby, West, Reynolds, Pearl, Hornung, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

19. REQUEST TO SCHEDULE PUBLIC HEARING ON TRANSFER OF EXISTING INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FROM

**21ST CENTURY GRAPHIC TECHNOLOGIES TO MACOMB PRINTING INC. –
PERSONAL & REAL PROPERTY CERTIFICATE #2008-132**

Mr. Fitzgerald advised that this public hearing can be scheduled for the next Township Board Meeting.

Motion by Mr. Hornung, supported by Mr. Sowerby, to schedule a Public Hearing on the transfer of existing Industrial Facilities Exemption Certificate from 21st Century Graphic Technologies to Macomb Printing, Inc., for Personal & Real Property Certificate #2008-132, to be held on Monday, March 9, 2009 at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center, 40700 Romeo Plank Road. Roll Call: Ayes – Hornung, Sowerby, Reynolds, Pearl, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

**20. REQUEST TO SCHEDULE PUBLIC HEARING ON APPLICATION FOR
NEW INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE: FREE TOOL
& DIE, INC. 44675 MORLEY DRIVE – PERSONAL PROPERTY**

Mr. Fitzgerald advised that this public hearing can be scheduled for the next Township Board Meeting.

Motion by Mr. Hornung, supported by Mr. Reynolds, to schedule a Public Hearing on the application for New Industrial Facilities Exemption Certificate for Personal Property requested by Free Tool & Die, Inc., 44675 Morley Drive, to be held on Monday, March 9, 2009 at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center, 40700 Romeo Plank Road. Roll Call: Ayes – Hornung, Reynolds, Pearl, West, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

21. DISCUSSION ON 2009-2010 BUDGET

Mr. Sowerby noted that Ms. Lauretti is not here at the moment, so he suggested postponing this until later in the meeting.

Motion by Mr. Sowerby, supported by Mr. Fitzgerald, to table discussion on the 2009-2010 Budget until later in the meeting and to contact the Finance Director in her office and request her to come down to the meeting. [Note: The motion and support were rescinded a minute later when Ms. Lauretti and Ms. Hein came into the meeting].

Ms. Sue Westlake, 37314 Charter Oaks Boulevard, Clinton Township, Michigan 48036, inquired as to when the proposed widening of Cass Avenue, from Groesbeck to the bridge, is supposed to take place.

Mr. Santia replied that construction project is already underway.

Mr. Westerman added that there is a lot of preliminary underground work that is and has been taking place since the first leg of the project was completed.

Ms. Westlake has not observed any activity taking place on the road expansion, and she stated her suggestion would be to delay this project since the Township is short of money. She felt the widening of 16 Mile Road is another project that could be delayed. She has not seen it listed on anything the Road Commission has scheduled, “even including the projects proposed on the windfall from Washington”.

Mr. Hornung clarified that there is no money coming from the Township for the widening of 16 Mile Road.

Mr. Santia confirmed that the Township is not paying for that project.

Ms. Westlake accused four of the seven members of this Board of being on the Board five years ago when there was a motion for “a hefty raise” for the Board members. She recalled that it was a 3% annual raise for four years, and she provided that calculation that the first 3% would compound itself after the four years to 11.2%. She felt that with the threat of having to cut staff, they should “start cutting at the top”.

Ms. Donna Lauretti, Finance Director, replied to inquiry that she has nothing additional to add since they left off with their discussion at the last meeting.

Ms. Sharon Schaffner, Assessing Administrator, replied to inquiry that she is anticipating a decrease in revenues of approximately 3% to 4%, but the exact figures will not be known until the Board of Review is complete, which will be the first week of April.

Mr. Pearl clarified that the CPI went up 4.4%, so this is just an average.

Ms. Schaffner replied that the Board of Review convenes on March 9th and she anticipated they will have appeals going through the end of March.

Mr. Sowerby clarified that the taxable value could decrease approximately 7% overall, but the loss of revenue is approximately 3% to 4%.

Ms. Lauretti noted that the taxable value is showing a decrease of 4%; however they are using a figure of 5% in the budget as a precaution.

Mr. Sowerby cited a recent case that went to the tax tribunal in Lansing, and they were granted a hefty reduction, which will be considerable refund from the Township. He noted this was for vacant property.

Mr. Fitzgerald inquired as to how much undeveloped land is remaining in the Township.

Mr. Santia replied that slightly over 3% of the land in Clinton Township is vacant, and there is still some property available for re-development.

Ms. Lauretti replied that she does not have any further suggestions for items that can be trimmed out of the budget at this time.

Mr. Sowerby felt there will be a lot further hurt in our community and revenues will be bad next year as well. He felt the Township needs to be diligent and cut wherever they can to make it through this year and the years ahead as they get through this crisis.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file and place further discussion of the 2009-2010 Budget on the Township Board agenda for March 9, 2009. Roll Call: Ayes – Sowerby, West, Reynolds, Pearl, Hornung, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

22. TOWNSHIP BOARD REQUEST – CONFLICT WAIVER: FIRE DEPARTMENT

Mr. Dolan advised that this is a two-step process: the letter of request should be read and comments should be taken; then further action should be postponed to the next meeting.

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive and file the letter dated February 10, 2009 from the Fire Chief regarding a request of a conflict waiver from Firefighter Patrick VanOverbeke, and the letter dated February 7, 2009 from Firefighter Patrick VanOverbeke, and to postpone action on this until the next Township Board meeting, scheduled for Monday, March 9, 2009. Roll Call: Ayes – Reynolds, Pearl, Hornung, West, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

23. ADOPTION OF MERS RESOLUTION FOR UAW 412, UNIT 76 PENSION CHANGE

Motion by Mr. Reynolds, supported by Mr. Hornung, to receive and file the letter dated February 13, 2009 from the Human Resources Director and adopt the Resolution for Changing MERS Benefits from B-3 80%, Member Contribution 4.7% to B-4 80%, Member Contribution 6.68%, for UAW Local 412, Unit 76, as outlined in the correspondence. Roll Call: Ayes – Reynolds, Hornung, pearl, West, Sowerby, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

24. REQUEST TO ATTEND STAFF & COMMAND SCHOOL AND OUT OF STATE TRAINING FOR K-9 OFFICER: POLICE DEPARTMENT

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated February 11, 2009 from the Police Chief and approve the requests for: 1) Lt. Greene to attend the 2009 Staff & Command School to be held at Eastern Michigan University from February through October 2009; and 2) Out-of-state training for K-9 Officer Frabotta to

attend the International Bloodhound Trialing & Cadaver training in Grantsville, Maryland on April 19th through 24th, 2009, with tuition cost of \$325 plus expenses, with total not expected to exceed \$700, with both of these requests outlined in the correspondence. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

25. REQUEST CLOSED SESSION TO DISCUSS: 1) CONTRACT NEGOTIATIONS; AND 2) WRITTEN OPINION OF LEGAL COUNSEL (ATTORNEY/CLIENT PRIVILEGE LETTER)

Mr. Hornung informed that the Board will not be coming out of Closed Session.

Motion by Ms. West, supported by Mr. Sowerby, to schedule a Closed Session immediately following tonight's meeting to discuss: 1) Contract Negotiations; and 2) Written Opinion of Legal Counsel (Attorney/Client Privilege Letter). Roll Call: Ayes – West, Sowerby, Reynolds, Pearl, Hornung, Fitzgerald. Nays – None. Absent – Cannon. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 2, 2009 SPECIAL TOWNSHIP BOARD MEETING

Motion by Ms. West, supported by Mr. Fitzgerald, to approve the minutes of the February 2, 2009 Special Board Meeting, as presented. Roll Call: Ayes – West, Fitzgerald, Reynolds, Hornung, Pearl, Sowerby. Nays – None. Absent – Cannon. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 9, 2009 REGULAR TOWNSHIP BOARD MEETING

Motion by Ms. West, supported by Mr. Fitzgerald, to approve the minutes of the February 9, 2009 Regular Board Meeting, as presented. Roll Call: Ayes – West, Fitzgerald, Reynolds, Hornung, Pearl, Sowerby. Nays – None. Absent – Cannon. Motion carried.

APPROVAL OF BILLS

Mr. Pearl noted that the AT&T bill for \$7,000+ for Water and Sewer is in the process of being contested and is anticipated to be reduced.

Motion by Mr. Fitzgerald, supported by Mr. Sowerby, to approve the bills as presented. Roll Call: Ayes – Fitzgerald, Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Reynolds, supported by Mr. Sowerby, to adjourn the meeting and go into Closed Session. Roll Call: Ayes – Reynolds, Sowerby, Pearl, Hornung, West, Fitzgerald. Nays – None. Absent – Cannon. Motion carried. The meeting adjourned at 9:15 p.m.

Respectfully submitted,

GEORGE FITZGERALD, CLERK
CHARTER TOWNSHIP OF CLINTON